

Notice of Allowability

Application No.

09/865,488

Examiner

Tom Y. Lu

Applicant(s)

PECK, CHARLES C.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 04/04/2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 06 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

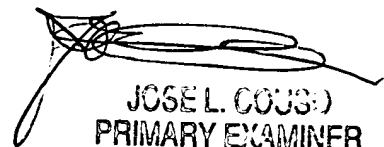
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOSE L. COUSI
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. Request for Continued Examination filed on 05/02/2005 has been entered.
2. Upon entry of the Request for Continued Examination, the amendment filed on 04/04/2005 has been entered.
3. Claim 1 has been amended.
4. In light of positive consideration of independent claims 1, 7 and 14, dependent claims 4-6, 10-13 and 17-20, which were previously withdrawn from consideration, are now rejoined in prosecution.
5. Claims 1-21 are pending.

Response to Arguments

6. Applicant's arguments see Remarks, pages 10-12, filed 4/4/2005, with respect to claims 1, 7 and 14 have been fully considered and are persuasive. The rejection of claims 1, 7 and 14 has been withdrawn.

Allowable Subject Matter

7. Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance:

- a. Independent claims 1, 7 and 14 are allowed based on the convincing arguments recited in applicant's Remarks, pages 10-12.
- b. Claims 2-6 are dependent upon Claim 1.
- c. Claims 8-13 are dependent upon Claim 7.
- d. Claims 15-21 are dependent upon Claim 14.

Art Unit: 2621

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

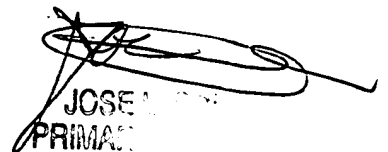
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Berenz et al, U.S. Patent No. 6,810,135 B1, see column 7, lines 1-10.
- b. Hochstein, U.S. Patent No. 6,603,137 B2, see column 2, lines 52-61.
- c. Ogawa, U.S. Patent No. 5,608,528, see column 1, lines 8-14.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOSE L. MEHTA
PRIMA